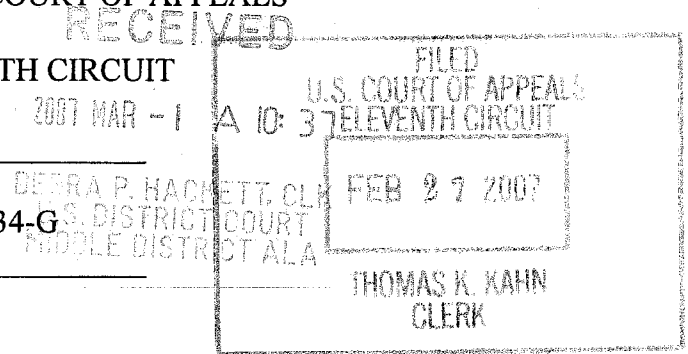


IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

No. 07-10234-G



DAVID COOPER,

Plaintiff-Appellant,

versus

D.T. MARSHALL et al.,

Defendants,

DR. NICHOLS,  
MEDICAL NURSING SUPERVISOR,  
MELODYE MILLER,  
Nurse,

Defendants-Appellees.

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Appeal from the United States District Court for the  
Middle District of Alabama

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Before ANDERSON, BIRCH and BARKETT, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction. The appeal was taken from the magistrate judge's order, which was not a final order. See Donovan v. Sarasota Concrete Co.,

693 F.2d 1061, 1066-67 (11th Cir. 1982); see also Perez-Priego v. Alachua County Clerk of Court, 148 F.3d 1272, 1273 (11th Cir. 1998) (a magistrate's report and recommendation that has not been adopted by the district court is not final and immediately appealable, and the district court's subsequent adoption of the magistrate's report does not cure the premature notice).

No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir.R. 40-4 and all other applicable rules.

A True Copy - Attested  
Clerk, U.S. Court of Appeals  
Eleventh Circuit

By: Walt J. O'Connell  
Deputy Clerk  
Atlanta, Georgia